

### REMARKS

The Examiner is thanked for his Office Action of June 2, 2003.

Claims 2 - 8, 11 - 14, 20, 29, 30, and 32 are all pending. Claims 1, 10, 17 - 19, and 31 are being cancelled by this amendment. Claims 2 - 4, 6, 11 - 14, 29, and 30 have all been amended. Since the independent claims 1 and 10 were cancelled, dependant claims 4 and 14 have been amended to include all the limitations of the cancelled independent claims. *It is believed that current amendment does not change the scope of claims 4 and 14.* Other claims that depended from the cancelled claims 1 and 10 have had their dependencies changed to either 4 or 14, as appropriate.

### Overview

The claimed invention generally describes a system whereby a utility company receives raw utility readings from a remote customer, processes the readings to create a bill, and then automatically charges the bill to the customer's credit card. For example, claim 4, a representative claim of the present invention, is directed towards a method that recites four operations: receiving a utility reading from a smart meter at a remote location, receiving the smart meter's address information, determining an amount from the reading, and transmitting the amount to a second remote location. All four operations are intimately related to each other and define a very specific order. The Applicant submits that the examiner has not cited any reference that performs all four operations in the necessary order.

### Rejection Under 35 U.S.C. §102

In section 3 of the Office Action, the Examiner rejected claims 1 - 3, 17, 29 and 31 under 35 USC §102(e) as being anticipated by Chasek, U.S. Patent No. 5,894,422.

Importantly, The Examiner stated, "Chasek ('422) discloses: . . . transmitting the amount to a second remote location after determining the amount, the amount being transmitted to the second remote location across a second transmission medium, wherein the second remote

location is arranged to effect a payment of the amount by a customer see column 2, lines 33 - 53."

The quoted section discusses, a "transmission-line [that] carries each consumer's demand message to a terminal-point where the demand numbers are separated out from each demand message and summed in a supplier-dedicated register that is selected by the accompanying supplier code." Furthermore, the sums are then "used to adjust a generator's voltage to make the power flowing from that generator equal to the demand of all its consumers of record." The quoted makes absolutely no mention of an "amount determined using the received utility reading," much less transmitting such an amount to a "second remote location [that] is arranged to effect a payment of the amount," as described in the claims.

A "demand message" is explained in the paragraph preceding the section of Chasek quoted by the Examiner as, "the one minute count number available from the smart meter . . . tagged with a consumer choice-of-supplier code." Clearly, the demand message has nothing to do with the price information of the claims. In fact, if the various suppliers charged different rates, it would be impossible for the demand message to contain price information prior to being properly sorted.

Furthermore, since the demand message is generated by the meter, which is located at the customer's premises, it can not be considered to be an "amount" because it was not determined "using the . . . utility reading" that was "received from a first location." The plain language of the claims make it impossible for the smart meter of Chasek to *both* generate a utility reading *and* transmit the amount to a second remote location. It simply cannot perform both functions. The language of the claims clearly describes a system that *receives* the utility reading and then *transmits* price information to a second location. Any other interpretation of the claim language would be nonsensical and require that the smart meter receive a utility reading from itself, from across a transmission medium.

As previously stated, the claims describe a system where a utility reading is **first** received from a customer's premises ("first remote location"), then the received utility reading is used to generate price information, and **finally**, the price information is sent to second remote location

arranged to effect a payment of the amount. The cited portions of the Chasek reference simply do not teach the same sequence of events.

The Applicant believes that, for at least these reasons, claims 2 - 8 clearly distinguish themselves from the prior art.

It is noted that the Applicant has cancelled claims 17 - 19. Although the Examiner did not comment on the Applicant's prior statements, it is assumed that the Examiner did not find the statements persuasive. Specifically, the Applicant argued, "the identified sections of patent '422 describes a 'low power radio transmitter 111a' (Col. 4, line 37) which would be incapable of sending a message to a substantially remote receiving device" in Amendment A. The Applicant is canceling the claims at issue so that the "substantially remote" language could be given its broadest reasonable interpretation, and is hereby withdrawing the earlier comments made in connection with claims 17 - 19.

#### Rejection Under 35 U.S.C. §103

In section 4 of the Office Action, the Examiner, under 35 U.S.C. § 103(a), rejected claims 4 and 5 as being obvious to Chasek in view of Thompson et al., U.S. Patent No. 4,948,174.

The Examiner stated that Chasek "further discloses receiving the consumers ID code at the billing computer" and Thompson teaches address information "associated with a consumer's ID." In explaining why the combination of the references would be obvious, the Examiners further states, "Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to associate address information associated with the location of the meter for the benefit of sending a bill through the mail."

The Examiner has overlooked the plain language of the claims. The whole point of the invention is to have payment be handled by someone other than the utility company. There is simply no benefit in "sending a bill through the mail." "Sending a bill through the mail" would be redundant with "transmitting the amount to a second remote location . . . wherein the second remote location is arranged to effect a payment of the amount by the customer."

The Applicant believes that, for at least these reasons, claims 4 and 5 clearly distinguish themselves from the prior art.

In section 5 of the Office Action, the Examiner, under 35 U.S.C. § 103(a), rejected claims 6 - 8, 10 - 14, 19 - 20, 26, 30, and 32 as being obvious to Chasek, in view of Frew et al., U.S. Patent No. 4,803,632.

Importantly, the Examiner described Frew as teaching "a meter coupled to a card reader." The plain language of the claims requires that smart meter be at a "first remote location." Since the card reader is "coupled to" the meter, the card reader must also be at the "first remote location." The Examiner has not identified any portions of the references that teach a system *separated from the first remote location* that performs the function of:

"transmitting the amount to the second remote location . . . being arranged to perform clearance and settlement transactions" (claim 6);

"transmitting the credit message to the second remote location" (claim 7);

"transmitting the debit message to the second remote location" (claim 8);

In connection with claim 14, the Examiner stated "Chasek ('422) does not specifically disclose generating a utility message includes creating a second message field including one of a credit account number and a debit account number." The Examiner then failed to identify any prior art reference that taught "creating a second message field . . . including one of a credit account number and a debit account number." Instead, the Examiner merely stated, "Frew et al ('632) teaches a meter coupled to a card reader . . . for the benefit of consumer convenience of payments and prepayment requirement processing." The undersigned does not see the connection between creating a second message field and coupling a card reader to a meter.

Additionally, the Examiner was completely silent as to the claim language "creating a third message field, the third message field including information associated with a unit of measure for the utility reading."

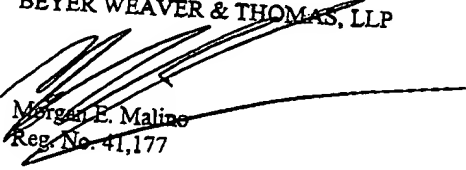
As the Examiner did not adequately identify any prior art reference that teaches either the second or third message field, it is suggested that the finality of the outstanding office action is not appropriate.

Similarly, in connection with claim 20, the Examiner stated, "Chasek ('422) does not specifically disclose the processing mechanism further being arranged to effect at least one of a credit transaction and a debit transaction associated with the measure of the utility." However, instead of identifying a reference that teaches a processing *center* that is arranged to effect a credit transaction or a debit transaction, the Examiner merely stated, "Frew et al ('632) teaches a meter coupled to a card reader for processing credit and debit transactions related to the utility consumed . . . for the benefit of consumer convenience of payments and prepayment requirement processing." Clearly, a card reader is not a processing center.

The Applicant believes that, for at least these reasons, claims 6 - 8, 11 - 14, 20, 29, 30 and 32 clearly distinguish themselves from the prior art.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
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